IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7368 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BIPINCHANDRA P PATEL - Petitioner(s)

Versus

STATE OF GUJARAT & 7 - Respondent(s)

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Appearance :

MR GM JOSHI for Petitioner(s) : 1,
MR SIRAJ GORI, AGP for respondent NO.1
RULE SERVED for Respondents - 2,4 - 5.
MR TUSHAR MEHTA for Respondent(s) : 3,6 - 8.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 18/11/2005

ORAL JUDGMENT

In this petition, the petitioner as President of Anand Municipality has challenged the resolution dated 18.3.2000 passed by the Executive Committee of respondent

No.3.

2. Respondent No.3 Gujarat Nagarpalika Parishad is an association. Memorandum of Association has been produced by the petitioner at Annexure A. The memorandum records that there will be two categories of members of the Association. One will be the municipalities of the State of Gujarat who accept the constitution, rules and regulations of the Association and pay the prescribed membership fee. Second category of persons who can become members of the Association are those who have rendered at least five years of service of a Municipality or ten years as a councillor and have special knowledge or have earned name in the field of social service. The objects of the association include studying the economical, social, educational and cultural problems of the towns an cities of the State and to hold training programmes and seminars for the said purpose, to bring the Municipalities in closer interaction and to strengthen the cooperation between such municipalities and to utilise the same as a means to achieve positive changes, to discuss problems of the Municipalities and to exchange views on the same, etc.

3. The grievance of the petitioner appears to be that through passing of the resolution at Annexure B, respondent No.4 is trying to hold on to the control of respondent No.3 Parishad permanently.

4. From the perusal of the petition and the annexures attached therewith, it is not clear as to how the present petition is maintainable. As noted, challenge is to the resolution passed by the Executive Committee of respondent No.3 Parishad. Respondent No.3 is an association of members from the categories mentioned above. It is nowhere stated that the Parsiahd is funded by the State Government or the State Government enjoys any financial or administrative control over respondent No.3 Parishad. Apparently, respondent No.3 is created for better interaction between the members who would be different municipalities of the State of Gujarat. For inquiring into the internal function of such a Parishad, I do not see how a writ petition under Article 226 of the Constitution would be maintainable. The petition is therefore, rejected. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)